

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEPHEN ELLICOTT,

Plaintiff,

v.

AMERICAN CAPITAL ENERGY, INC.,
THOMAS HUNTON and ARTHUR
HENNESSEY,

Defendants,

and

REDWOOD SOLAR DEVELOPMENT, LLC,

Reach and Apply Defendant.

Civil Action No. 14-CV-12152

**PLAINTIFF'S MOTION FOR REAL ESTATE ATTACHMENTS
AND TO REACH AND APPLY AND INJUNCTION**

Plaintiff Stephen Ellicott requests that the Court attach the real property located in the Commonwealth of Massachusetts owned by Defendant American Capital Energy, Inc. ("ACE") and its principals, Defendants Thomas Hunton and Arthur Hennessey, in the amount of \$1,300,000. Mr. Ellicott further requests that the Court reach and apply monies purportedly due to ACE from Reach and Apply Defendant Redwood Solar Development, LLC ("Redwood") in the amount of \$1,300,000.

ACE has withheld over \$1.3 million in wages from Mr. Ellicott in violation of the Massachusetts Wage Act. He has more than a reasonable likelihood of success of prevailing on the merits of his claims at trial. ACE is currently embroiled in no less than seven (7) other lawsuits, including another Wage Act suit brought by another former ACE employee. ACE has been sued for millions of dollars in damages, some of which has already been secured through pre-judgment attachments. Mr. Ellicott deserves to have his place in line secured.

In support of this motion, Mr. Ellicott relies upon his memorandum of law and the affidavit of Anthony L. DeProspo, Jr., submitted herewith.

WHEREFORE, Plaintiff Stephen Ellicott requests that the Court:

1. Make a finding and order for approval of attachment on real property located in Massachusetts of Defendants American Capital Energy, Inc., Thomas Hunton and Arthur Hennessey in the amount of \$1,300,000.00;
2. Issue a preliminary injunction ordering that Reach and Apply Defendant Redwood Solar Development, LLC, or any party acting on its behalf, be restrained and enjoined from conveying, assigning, transferring, pledging, encumbering, mortgaging, receiving, liquidating, disposing of, or in any manner dissipating Defendants' interest in any funds held by Reach and Apply Defendant up to \$1,300,000.00; and
3. Grant such other and further relief as the Court deems proper.

November 20, 2015

Respectfully submitted,

STEPHEN ELLICOTT,

By his attorney,

/s/ Anthony L. DeProspo, Jr.

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Certification of Compliance with Local Rule 7.1(A)(2)

I, Anthony L. DeProspo, Jr., counsel for Plaintiff, certify that on November 13, 2015 I conferred with opposing counsel in an effort to narrow or resolve the issue that is the subject of this Motion, and that opposing counsel does not assent to the relief sought in this Motion.

/s/ Anthony L. DeProspo, Jr.
Anthony L. DeProspo, Jr.

November 20, 2015

CERTIFICATE OF SERVICE

I hereby certify that the attached document was filed through the ECF system and was served electronically to the registered attorneys of record on November 20, 2015.

/s/ Anthony L. DeProspo, Jr.
Anthony L. DeProspo, Jr.